

09/529762
422 Rec'd PC TO 1 8 APR 2000COMBINED DECLARATION FOR A PATENT APPLICATION
AND POWER OF ATTORNEY

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**XENOGENEIC CHOLESTERYL ESTER TRANSFER PROTEIN (CETP)
FOR MODULATION OF CETP ACTIVITY**

the specification of which:

(check one) ☐ is attached hereto.

☒ was filed as international application PCT/US98/22145 on 20 OCT 1998
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me on the same subject having a filing date before that of the application on which priority is claimed:

Ser. No. 08/954,643			Priority
(converted to 60/109,804)	U.S.A.	20-Oct-1997	Claimed
(Number)	(Country)	(Day/Month/Year filed)	[X] []
			Yes No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States Patent application(s) or PCT international applications designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States

or international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/US98/22145
(Application Serial No.)

20-Oct-1998
(Filing Date)

Pending (this application)
(Status: patented/pending/abandoned)

(4) I hereby appoint

Leon R. Yankwich
Thomas R. Berka
Kenneth P. Zwicker
David G. O'Brien

Reg. No. 30,237
Reg. No. 39,606
Reg. No. 43,310
Reg. No. 46,125

and the firm of Yankwich & Associates, having an office at 130 Bishop Allen Drive, Cambridge, MA 02139 as my attorney, with full powers of substitution and revocation and full authority to prosecute this application and to transact all business before the U.S. Patent and Trademark Office connected therewith.

Send all official correspondence to:

Leon R. Yankwich, Esq.
Yankwich & Associates
130 Bishop Allen Drive
Cambridge, MA 02139

Direct telecommunications to:

Leon R. Yankwich, Esq.
telephone: (617) 491-4343
telecopier: (617) 491-8801

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-00
Full name of first inventor Charles W. Rittershaus

First inventor's signature

Charles W. Rittershaus

4/13/80
date

Residence Malden, MA

Citizenship United States

Post Office Address 65 Garden Street, Malden, MA 02148

2-00

Full name of second inventor Lawrence J. Thomas

Second inventor's signature

Lawrence J. Thomas

4/12/00
date

Residence Easton, MA

MA

Citizenship United States

Post Office Address 1 Fox Ridge Road, Easton, MA 02375

003140 29262560

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: C. Rittershaus and
L. Thomas

Serial No.: (not yet assigned)

Filed: (concurrently herewith)

Entitled: Xenogeneic Cholesteryl Ester
Transfer Protein (CETP) for
Modulation of CETP Activity

Atty. Docket No.: TCS-420.1P US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ The owner of the small business concern identified below:
☒ An official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN AVANT Immunotherapeutics, Inc.
ADDRESS OF CONCERN 119 Fourth Avenue, Needham, MA 02494

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.1301-1305, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention of inventor(s) Rittershaus & Thomas described in:

- ☐ The specification filed herewith.
☒ PCT international application No. PCT/US98/22145,
filed 20-OCT-98 and designating the United States.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small entity under 37 C.F.R. 1.9(f) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Avery Catlin

TITLE OF PERSON OTHER THAN OWNER Senior Vice President, Chief Financial Officer

ADDRESS OF PERSON SIGNING Avant Immunotherapeutics, Inc., 119 Fourth Ave., Needham, MA 02494

SIGNATURE 

DATE April 7, 2000